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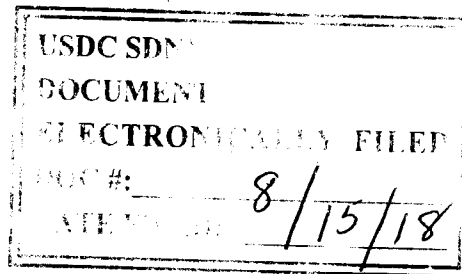
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August 14, 2018

Via Fax

Hon. Victor Marrero  
United States District Court, Southern District of New York  
United States Courthouse  
500 Pearl St.  
New York, New York 10007



Re: Fong On, Inc. v. Fong On NYC, Inc. et al., 1:18-cv-02300-VM

Hon. Victor Marrero:

My firm represents defendant and counterclaimant Mott Bulwark, LLC ("Mott Bulwark") in connection with the above-captioned matter. We write in response to the August 10, 2018 letter from plaintiff and counterclaim-defendant Fong On, Inc. ("Fong On"), in which Fong On requests a pre-motion conference with the Court to discuss the appropriateness of Fong On's filing of a motion to dismiss Mott Bulwark's counterclaims.

As more fully described in Mott Bulwark's July 19, 2018 letter (Dkt. No. 28), Mott Bulwark objects to Fong On's filing of a motion to dismiss. No substantive basis exists to grant Fong On's proposed motion, and in any event, this Court advised the parties during a June 5, 2018 initial conference not to file motions to dismiss in the absence of discovery. To the extent Fong On is granted leave to file a motion to dismiss, Mott Bulwark respectfully requests leave to file a motion for dismissal under Fed. R. Civ. P. 12(c) to dismiss insufficiently pled claims asserted by Fong On.

Sincerely,

Ryan A. Ghiselli

cc: Hon. Victor Marrero (via fax)  
All counsel of record (via e-mail)

